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Government of Kerala
2014



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2012-14

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1-8845/2010.

13th February 2014.

The following draft of the rules further to amend the Rules of the High Court of Kerala, 1971, which the High Court of Kerala proposes to make, in exercise of the powers conferred under Article 225 of the Constitution of India and under Section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) are hereby published for general information, as required under the said section.

Notice is hereby given that the said draft rules will be taken up for consideration on or after 30 days from the date of publication of this notification in the Gazette. Any objection or suggestion, which may be received from any person with regard to the draft rules on or before that date will be considered by the High Court.

Objection or suggestion, if any, shall be addressed to the Registrar General, High Court of Kerala, Kochi-682 031.

Draft Rules

In the Rules of the High Court of Kerala, 1971, after Rule 146, the following Rules shall be inserted, namely:—

“146A: Affidavits in Public Interest Litigation-A person filing a Public Interest Litigation, in addition to the requirements stipulated in the other rules of this chapter, shall precisely and specifically affirm in the affidavit to be sworn to by him the public cause he is seeking to espouse, that he has no personal or private interest in the matter, that there is no authoritative pronouncement by the Supreme Court or the High Court on the question raised and that the result of the litigation shall not lead to any undue gain to himself or to anyone associated with him.

*146B: Costs in Public Interest Litigation-
Notwithstanding anything contained in these rules, the
court may direct the petitioner in a Public Interest
Litigation to pay such amount as may be fixed by the
Court as compensation or costs to all or any of the
respondents, in the event of the litigation being found to
be vexatious, frivolous or mala fide."*

By order,
S. JAGADEES,
Registrar General.

Explanatory Note

(This is not a part of the notification, but is intended
to indicate its general purport.)

The Honourable Supreme Court of India in its
Judgment in C.A. Nos. 1134-1135/02 had observed that
the process of Court is frequently abused in the name of
Public Interest Litigation and had directed all the High
Courts to frame rules to prevent the same. The aforesaid
amendment is intended to achieve the said objective.